

Mark D. Belongia

From: Mark D. Belongia [mbelongia@belongiashapiro.com]
Sent: Monday, May 12, 2008 11:54 AM
To: 'Lance Raphael'
Cc: 'Stacy Bardo'; 'Nate Sinn'
Subject: RE: Flores v. Diamond Bank

So we are clear, we do not and have never represented the third parties. MDB

From: Lance Raphael [mailto:lance@caclawyers.com]
Sent: Monday, May 12, 2008 10:34 AM
To: Mark D. Belongia
Cc: Stacy Bardo; Nate Sinn
Subject: RE: Flores v. Diamond Bank

I am trying to figure out what type of game is going on with these third party witnesses.

First you represent you do not represent them, then you do and now you don't.

Please do not cry wolf again.

As for settlement, based upon your response to our demand with no offer or counter offer, I will presume that your client wants to fight this fee shifting case until the bitter end until I hear otherwise.

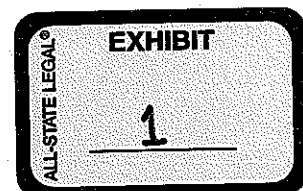
Therefore I will be moving for class certification shortly.

Lance A. Raphael
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"It's the action, not the fruit of the action that's important. You have to do the right thing. It may not be in your power, may not be in your time, that there'll be any fruit. That does not mean you stop doing the right thing. You may never know what results come from your action. But if you do nothing, there will be no results." ~Mahatma Gandhi

From: Mark D. Belongia [mailto:mbelongia@belongiashapiro.com]
Sent: Monday, May 12, 2008 9:35 AM
To: Lance Raphael
Cc: Stacy Bardo; 'Nate Sinn'
Subject: Flores v. Diamond Bank



Lance,

Regarding depositions in the above case, please issue subpoenas for deposition to third parties Barry Rustin and Larry Ligas. We do not represent either gentleman. You already have the contact information for Barry Rustin and we have previously provided you with Mr. Ligas's contact information at his employer company in our Amended 26(a)(1) disclosures and we also gave you his personal cellular phone number. Please let us know when you have confirmed their depositions as we will be at your office for same.

We request that Plaintiff's deposition proceed on May 22, 2008 at 10:00 a.m. at our office. Unless we hear back to the contrary by the end of business tomorrow, we shall notice her deposition accordingly. We expect to receive your client's answers to written discovery today.

We have no settlement offer at this time and have been instructed to continue with the litigation.

MDB

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